**THE HONOURABLE MRS. JUSTICE T. MEENA KUMARI**
**AND**
**THE HONOURABLE MS. JUSTICE G. ROHINI**

**WRIT PETITION No. 25874 of 2007**

**ORAL ORDER:**
(Per T. Meena Kumari, J)

The Writ Petition is filed seeking to declare the action on the part of the respondent in issuing the impugned notice vide dated 25.11.2007 under Section 269 of H.M.C. Act, 1955 demanding to pay the arrears of property tax and penalty of Rs. 1,26,545/- within 3 hours of the receipt of notice, else the respondent herein will sale the movable property of House No. 44/2A & 2B to recover the arrears of property tax and penalty for several years i.e. more than 3 years which is not permitted by the law for the respondent to recover arrears of property tax and without mentioning the period of time from which year to which year the arrears of property tax is to be paid as illegal and consequently to set aside the impugned order passed by the respondent under Section 269 of H.M.C. Act, 1955 vide notice dated 26.11.2007 passed by the respondent.

Heard the learned counsel for the petitioner and also the learned Standing Counsel for Municipalities.

Recording the submission made by the learned counsel for the petitioner and also having heard Mr. A. Sridhar, the learned Standing Counsel for the Municipalities, no notice has been served on the petitioner before raising this pre-warrant notice and also the details of the property tax pertains to which assessment years are not available, we feel it would suffice if stay of all further proceedings is granted in pursuance of the demand notice dated

25.11.2007.

Accordingly, the Writ Petition is disposed of. However, interim stay of all further proceedings is granted in pursuance of the impugned notice dated 25.11.2007 on condition that the petitioners shall deposit 1/3rd of the amount before the respondent as demanded in the notice dated 25.11.2007 within a period of six weeks from today and further liberty is granted to the petitioners to file their objections to the pre-warrant notice of the respondent within a period of three weeks thereafter and on such filing objections, the respondent shall furnish necessary information to the petitioners and the respondent shall pass appropriate orders within a period of four weeks from thereafter.

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**T. MEENA KUMARI, J**

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**G. ROHINI, J**

4.12.2007

CHV